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9  
10 **UNITED STATES DISTRICT COURT**  
11  
12 **DISTRICT OF NEVADA**  
13

14 JILL LEFF, CLAUDIA KRAUSE,  
15 KRISTA SHIELDS, CHRISTOPHER  
16 STEWART, NEKISHA SIMPSON,  
17 CARRIE CHAPPELL, CAROLYN  
18 DOYEL, KODZO ATTILA, JOSEPH  
19 PORTILLA, AMANDA LA FORTE,  
20 PATRICIA WEBB, MARY RICE,  
21 BARBARA GAMMAGE, FRANCIS  
22 SIMONE BOJAR, GLEN ROWLEY, and  
23 CLARK COUNTY EDUCATION  
24 ASSOCIATION, an employee  
25 organization,

26 CASE NO.:  
27 2:15-CV-01155-RFB-GWF

28 **STIPULATION AND ORDER FOR STAY**  
**OF DISCOVERY PENDING MOTION TO**  
**DISMISS**

30 Plaintiffs,

31 v.

32 CLARK COUNTY SCHOOL DISTRICT,  
33 a county school district,

34 Defendants.

36 COME NOW the parties, by and through their counsel of record,  
37 and hereby stipulate and agree to stay discovery in this matter  
38 until the Court rules on the pending motion to dismiss (Docket No.  
39 9). The Nevada legislature enacted AB 225 in 2011 which provided  
40 post-probationary teachers receiving unsatisfactory evaluations in  
41 consecutive years revert to probationary status. The individual  
42 Plaintiffs are former Clark County School District teachers to whom  
43 the District applied AB 225 and were non-renewed at the end of the  
44 2013-14 school year. The Clark County Education Association, the  
45 recognized bargaining representative for District teachers, is also

1 a Plaintiff. The lawsuit challenges applying AB 225 to teachers  
2 that were post-probationary prior to the law's passage.  
3 Specifically, the lawsuit alleges that the District violated  
4 Plaintiff teachers' rights under the Contract Clause and Due  
5 Process Clause of the Fourteenth Amendment to the United States  
6 Constitution.

7 Defendant filed a motion to dismiss asserting Plaintiffs have  
8 failed to state a claim. The response and reply briefs have been  
9 filed. Docket Nos. 9, 12 and 16. District courts have "wide  
10 discretion in controlling discovery" which includes granting a  
11 stay. Little v. City of Seattle, 863 F.2d 681, 685 (9<sup>th</sup> Cir. 1988).  
12 A district court may properly stay discovery during the  
13 consideration of a dispositive motion when discovery is not  
14 pertinent to the issues in the dispositive motion. Rae v. Union  
15 Bank, 725 F.2d 478, 481 (9<sup>th</sup> Cir. 1984); White v. American Tobacco,  
16 125 FRD 508, 510 (D. Nev. 1989). The pending motion to dismiss  
17 raises issues that the Court will resolve as a matter of law.

18 The parties do not wish to needlessly expend resources while  
19 the motion to dismiss is pending given that the motion revolves  
20 around issues that will be resolved as a matter of law. With the  
21 number of Plaintiffs, considerable discovery will be required. For  
22 example, Defendant anticipates deposing each individual Plaintiff  
23 teacher and propounding written discovery to each if the case is  
24 not resolved as a matter of law. A stay will permit the parties to  
25 delay incurring the costs of discovery until a ruling is issued on  
26 the dispositive motion which may dispose of the matter.

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1 Therefore, the parties respectfully request that the Court  
2 stay discovery, including Rule 26 requirements to meet and file a  
3 proposed discovery plan and initial disclosures, until a ruling on  
4 the pending motion to dismiss is issued.

DATED this 23<sup>rd</sup> day of October, 2015.

7 DYER, LAWRENCE, FLAHERTY  
DONALDSON & PRUNTY

CLARK COUNTY SCHOOL DISTRICT  
OFFICE OF THE GENERAL COUNSEL

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15 || IT IS SO ORDERED:

17 || Date : November 3, 2015

*George Foley Jr.*  
GEORGE FOLEY, JR.  
United States Magistrate Judge